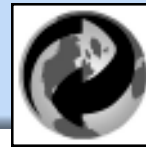


# Formulating a Local Environment Code



POLICY DEVELOPMENT

Notes 1

Environmental Management



*The Local Government Code and relevant sectoral laws form the basis for the local government Environment Code which establishes the community's overall policy on how it will manage it's environment and natural resources.*

## Ensuring Sustained Environmental Actions

Environmental management is long-term. Thus, an increasing number of local governments and their citizens want to develop their local Environment Code to ensure that environmental investments are sustained from one local administration to another.

Properly done and enforced, a local Environment Code can be the community's key instrument to ensure sustained actions by all sectors. Its foremost purpose is to establish the community's overall policy on how it will manage its environment and natural resources based on guidance provided by the Local Government Code and relevant sectoral laws. Most significantly, the policy articulated by an Environment Code would set aside budgetary and manpower resources to undertake environmental management options prioritized by the community.

Only a few LGUs have established their Local Environment Codes. Whether these have been properly enforced or not remains to be studied. In fact, a key potential issue is the ability of Local Governments to enforce them. Despite this, many LGUs want to formulate their Environment Codes.

This issue of *Local Governance Technical Notes* describes the nature of Local Environment Codes – what they can and cannot do and when to make one. It outlines some practical steps that Local Governments can undertake to prepare their Local Environment Codes.

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# Technology

## Basic Process

Based on the experience of LGUs that have started to formulate their Local Environment Codes, the following steps are recommended to ensure a highly participatory process and a higher probability of enforceability:

**1. Double-check the need and capability of the LGU for an Environment Code.** LGUs have varying stages of advancement in addressing local environmental needs. Those who are “just starting” usually want to achieve early (though small) successes. Their “best bet” action would not be to plunge right away into a complex, and often sedentary, exercise as an Environment Code preparation. Rather, they can focus on immediately “doable” actions on issues that their communities prioritize. Using the Technology of Participation (ToP), they can hold a multisectoral consensus-building workshop to craft and mobilize an action program for doable actions. (Consensus building is discussed at length in *Local Governance Technical Notes on Integrated Solid Waste Management (LGTM-ISWM) Notes 3 on Organizing Joint Action on Integrated Solid Waste Management and LGTM-Watershed Management Notes 4 on Building Consensus for Watershed Management*.)

On the other hand, LGUs who are already starting actions on a specific theme like solid waste management or coastal resource management may opt to focus on preparing a “sector-specific” ordinance, such as an Integrated Solid Waste Management Ordinance, which would then integrate and update all existing local regulations on the issue.

Finally, LGUs who have been implementing multiple activities addressing several sectors may be in the best position to prepare an Environment Code. By working in sev-

eral arenas, they can understand interactions between sectors (e.g. garbage collected cannot be dumped near the mangrove area) and the need for an integrated approach.

**2. Hold an Environment Summit.** Once you have decided to prepare an Environment Code, the next step is to ensure that there is participation and excitement to do it, considering that it tends to be a sedentary and “cerebral” exercise. To achieve these conditions, sponsor a Summit of key stakeholders and help participants “identify” and “get excited” about locally-generated good practices and achievements. The process will help generate the desire to consolidate, sustain, and disseminate the good practices throughout the community through the enactment of the Environment Code. In the Summit, facilitate the generation of shared visions and strategies of stakeholders, which will then serve as guideposts for subsequent technical preparation of the Environment Code.

**3. Break up the job into small doable tasks.** Form various working groups to match the key environment sectors important to the community (e.g. forests and watersheds, urban, agriculture, coastal ecosystems, mining). Each working group could be composed of key volunteer representatives of stakeholders affected or affecting the sector. The LGUs would appoint a secretariat (usually the ENRO or its equivalent) to provide guidance and support to each working group. Ensure that local Sanggunian members are well represented in each sector. Identify and engage resource persons from NGOs, universities, or even volunteer groups who can help the working group analyze problems and brainstorm on solutions.

**4. For each sector, assess the situation and recommend policy op-**

**tions.** Using the results of the Summit, each working group could study and understand the needs of their assigned sector. They could then study various proven options to address problems and recommend policies.

**5. Generate consensus, and prepare and enact the Code.** Convene all stakeholders again to review and agree on policy recommendations for each sector. Then, assign a working group to finally prepare the entire text in collaboration with key members of the Local Sanggunian. Support the conduct of public hearings presided over by the Sanggunian. Ensure that key members of the working group are able to participate.

**6. Prepare an Implementation Plan for the Environment Code.** The Environment Code would normally contain several tasks with target completion dates. Prepare a summary list of those tasks, their deadlines, and their responsible actors. Disseminate this information.

**7. Prepare an IEC Plan for the Environment Code.** Once the Environment Code is enacted, prepare “laymanized” summaries of the Code for public distribution. Prepare an information, educating, and communication (IEC) Plan that will identify the target audience (e.g. business, fishermen, quarry operators), targeted practices, and the targeted messages for them. Messages to the targeted audience could contain both incentives for adopting good practices as well as penalties for not doing them.

**8. Hold regular feedback activities.** Conduct regular meetings to ensure that the provisions of the Environment Code, including deadlines, are strictly observed.



## Policy and Practice

### Enabling Framework

Local governments are mandated to prepare and enforce local environment codes by the Local Government Code and relevant sector-specific laws. The Code affirms the authority of local governments as “area manager” to ensure the general welfare of its citizens. It requires prior consultation with and consent of LGUs before major national programs or projects affecting the environment are implemented. It provides LGUs powers to levy user fees and penalties, and perform other actions to enforce local environmental protection

and generate resources needed to implement local environmental actions. The Code also devolves a range of powers and functions to ensure that national laws and policies governing specific sectors are effectively enforced.

Sector-specific laws provide guidance on overall national policies, processes, and procedures on the use of natural resources, and pollution control and prevention. They include: the Forestry Code and subsequent policies promoting community based forest management; the new Fisheries

Code; the Agriculture Fisheries Modernization Act; the Water Code; Pollution Control Laws; and Laws on Environmental Impact Assessment. They set the rules for enforcing regulations including the range of penalties that may be imposed.

A local Environment Code is a local ordinance. While the basic legal procedures for preparing an ordinance have been generally set, nothing prevents local officials from enriching this legal process so that it can truly be participatory and meaningful for all sectors concerned.

### Practices That Are Working

The Provincial Government of Negros Oriental views the Environment Code as a key instrument to guide future environmental management efforts by provincial and municipal governments, the non-government sector, and business. As a first step, the Provincial Government conducted a two-day Environment Summit. Donations from private and civic groups were accepted while participants contributed minimal registration fees. An exhibition was conducted simultaneously to showcase good practices in environmental management within and outside of the Province.

Leaders and representatives from all key sectors with direct interest in the management of the province’s environment and natural resources were invited. Participants numbered over 100, including business groups (e.g. food processors); academe, professional associations, farmers and fishermen groups, fishery operators, NGOs, local police, church leaders, and municipal government officials.

On the first day of the Summit, local resource persons from the academe, NGO, and DENR guided participants in understanding the pollution and remaining natural resources situation. Issues maps and transects were presented. A local NGO of lawyers summarized the key provisions of the Local Government Code and the legal basis for formulating an Environment Code. A panel of speakers representing practicing LGUs and groups shared their experience in overcoming traditional budgetary constraints to deal with local environmental problems. They shared information on specific processes and steps that can be done to tap volunteer resources and build partnership between LGUs and citizens. To further enrich the menu of options of participants, resource persons were invited to describe trends in innovations done by LGUs and other groups outside Negros Oriental.

On the second day of the Summit, resource persons discussed the types of measures that LGUs can do to ad-

dress environmental problems. Participants realized they don’t have to “jump right away” to preparing Environment Codes, and that those who are just starting to address their environmental problems may start with action programs consisting of immediately doable measures for one or two sectors, e.g. solid waste management. Those who have been undertaking multiple environmental management projects for sometime are the ones who could benefit from preparing an Environment Code. Various management instruments that can be used depending on what stage an LGU is in, whether preparing an action program (using the ToP), preparing a sector specific code (e.g. fishery and coastal resources code), or preparing an Environment Code.

As a concluding session, Summit participants brainstormed and agreed on their “Shared Practical Vision” of how Negros environment should be managed. They decided that the priority is to prepare a Provincial Environment Code.



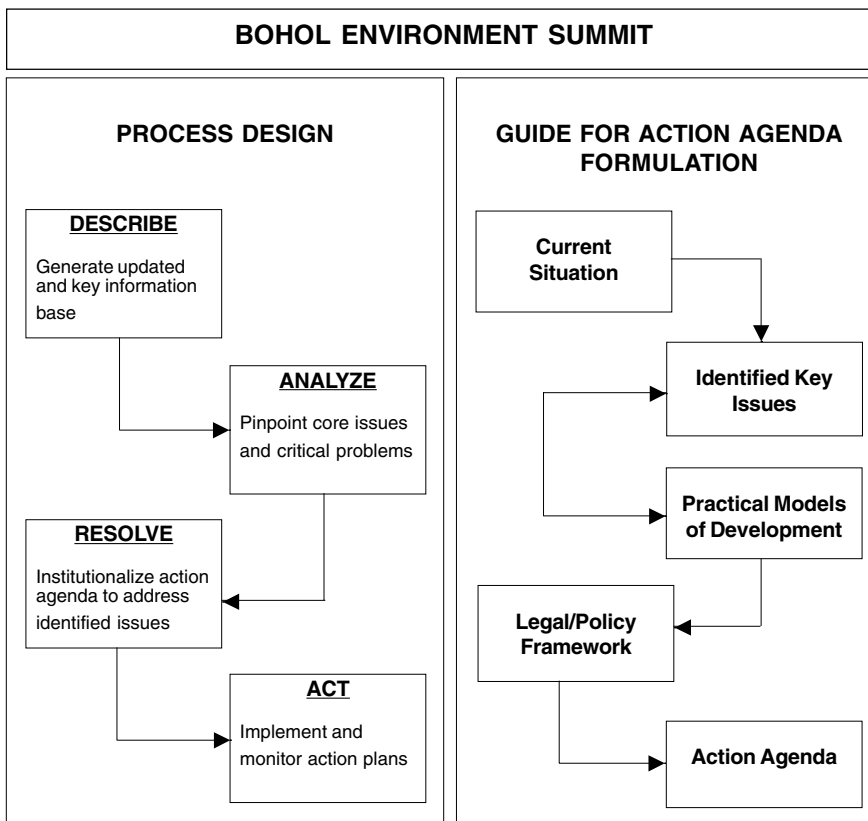
# LGU Action Agenda

## Other Exemplary Practices

The Province of Bohol prepared its Environment Code in 1998. Among others, they mobilized NGOs and barangay-level governments to get the pulse of grassroots communities. This culminated in a summit where a covenant was publicly signed. The covenant and accompanying working papers were then used to guide the preparation of an Environment Code by a joint team of local legislators and volunteer resource persons.

Other cities have also prepared their Environment Codes. These include Bacolod, Lipa City, and Cagayan de Oro City.

The Municipality of Arakan in North Cotabato is finalizing its Environment Code. Through a participatory process involving grassroots organizations at the barangay level. The process coincided with the establishment of barangay-level Environment and Natural Resources Councils.



## Resources and References

LGUs may contact the Working Team involved in preparing the Environment Codes of their LGUs:

- Atty. Juanito Cambangay, Bohol Environment Management Office, Provincial Capitol, Tagbilaran City, Bohol Province
- Provincial Environment Management Office, Provincial Capitol, Bacolod City, Negros Occidental
- Hon. Vilma Santos-Recto, Mayor, City Hall, Lipa City, Batangas
- Hon. Aproniano Ebon, Sr., Mayor, Municipal Hall, Arakan, North Cotabato
- Hon. Vicente Y. Emano, Mayor, City Hall, Cagayan de Oro City

LGUs may also tap the technical assistance of legal and environment

NGOs in the country for free or a minimal fee:

- Environment and Legal Assistance Center (ELAC), No. 14 Queen Road, Cebu City, Tel. (032) 253-3833 / (032) 412-6994; (032) 256-1493, c/o Atty. Jose Andres A. Canivel, Executive Director
- Tanggol Kalikasan, Haribon Foundation, Tel. (02) 925-3332
- Legal Environmental Advocacy Programme (LEAP), 2nd Floor, Villareal Hall, Silliman University, Negros Oriental, Dumaguete City 6200, Tel. (035) 225-8287 / (035) 422-8135, Fax (035) 225-6711, c/o Atty. Manuel R. Arbon
- Environmental Science and Social Change (ESSC), Ateneo de Manila

University, Loyola Heights, Quezon City, Tel. (02) 426-5958, 426-6001 or Damascus St., Impalambong, Malaybalay, Bukidnon 8700

- Dr. Gaudioso Sosmeña, Local Government Development Foundation (LOGODEV), Suite 333-334, PICC Secretariat Building, CCP Complex, Roxas Boulevard, Pasay City
- Philippine Watershed Management Coalition (PWMC), 2513 Magsaysay Village, La Paz, Iloilo City, Tel. (033) 320-0854 / (033) 320-2373
- Solid Waste Management Association of the Philippines (SWAPP), Unit 202, Loyola Heights Condominium, E. Abada St., Loyola Heights, Quezon City, Tel. (02) 434-5954